

DEC 21 2015

TONY H. MOORE, CLERK
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT, LOUISIANA

BY: Kca

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

RANDALL JOSEPH GATHE,
Fed.Reg. # 14484-035,

Petitioner,

vs.

14-CV-3184 P

C. MAIORANA, Warden, Oakdale
FCI,

Respondent.

MOTION FOR RECONSIDERATION AND TO SERVE PETITIONER
WITH REPORT AND RECOMMENDATION

Randall Joseph Gathe ("Petitioner") moves this Court for reconsideration of its decision dated December 4, 2015 (Doc. 5). This Motion is pursuant to Federal Rules of Civil Procedure Rule 59(e) and 60(b)(1) and (6).

Petitioner is not aware of the date the Magistrate issued the Report and Recommendation referred to by this Court in its December 4, 2015 order. However, Petitioner is certain Petitioner has never received service of any Report and Recommendation ("RR").

This Court's order dated December 4, 2015 was received by Petitioner. In the December 4, 2015 dismissal order, the Court refers to the RR and that Petitioner filed no objections to the RR. Doc. 5, pg. 1 Petitioner can only offer speculation at this point as to why he did not receive the RR. Petitioner was transferred in September to his current residence and notified the Court of the address change twice. The first notice Petitioner sent to your honor personally not understanding a difference between your Honor and the Clerk of Court. The second notice of change of address was sent to the Clerk of Court after your honor returned the first to Petitioner.

CONCLUSION

Petitioner respectfully requests this Court find that (1) Petitioner never received the RR (Doc. 2), (2) Petitioner has timely notified the Court of his change of address, (3) Petitioner is unable to provide more information to either show good cause or excusable neglect without being aware of the date the RR was docketed and whether the Clerk of Court sent the RR to Petitioner.

Respectfully Submitted,

Randall Gathe
Reg. # 14484-035
Federal Satellite Low-La Tuna
P.O. Box 6000
Anthony, New Mexico 88021

CERTIFICATE OF SERVICE

I hereby certify that I mailed the above Motion U.S. First Class Mail on December 15, 2015, to the Clerk of Court, 300 Fannin St., Suite 1167, Shreveport, Louisiana 71101;

I further certify that all parties to the above case, if any, shall receive service of the above Motion via the Court's ECF system.

Randall Gathe
Sever

DECLARATION OF MAILING

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746(1), under the laws of the United States of America, that on December 15, 2015, I deposited the above Motion in the U.S. Mailbox located inside FSL La Tuna to the address listed for the Clerk of Court above.¹

Randall Gathe
Declarant

1. Petitioner had previously used the address of 611 Broad St. Room # 188, Lake Charles, LA 70601 but the Court's December 4, 2015 order was received by Petitioner displaying the Shreveport address as the return address.